

H-8285

1 Amend House File 2681 as follows:

2 1. Page 5, after line 34 by inserting:

3 <Sec. _____. NEW SECTION. 321P.9 Prompt investigation of
4 reported violation — citation issued to driver.

5 1. A peace officer of a local jurisdiction using an
6 automated traffic enforcement system shall promptly investigate
7 a detected excessive-speed violation to identify the driver of
8 the vehicle used to commit the violation detected by automated
9 enforcement.

10 2. *a.* If, from the investigation, the peace officer has
11 reasonable cause to believe an excessive-speed violation has
12 occurred, the peace officer shall prepare a uniform citation
13 and complaint pursuant to chapter 805 for the violation and
14 shall serve it personally to the driver of the vehicle not more
15 than seventy-two hours after the violation occurs.

16 *b.* A peace officer may contact the owner of a motor
17 vehicle used to commit an excessive-speed violation detected
18 by automated enforcement and request that the owner supply
19 information identifying the driver in accordance with section
20 321.484. When requested, the owner of the vehicle shall
21 identify the driver to the best of the owner's ability.
22 However, the owner of the vehicle is not required to supply
23 identification information to the officer if the owner believes
24 the information is self-incriminating. The owner of a vehicle
25 shall not be held responsible for a violation if the owner was
26 not the driver.

27 *c.* A peace officer who makes personal contact with the owner
28 of a motor vehicle that was used to commit an excessive-speed
29 violation detected by automated enforcement shall arrive at the
30 owner's location in an authorized emergency vehicle, whether
31 marked or unmarked.

32 3. A citation for a violation detected by automated
33 enforcement issued not in accordance with this section is void
34 and unenforceable, including but not limited to issuing a
35 citation for a civil infraction by mail.

- 1 4. For purposes of this section, "owner" means a person who
2 holds the legal title to a motor vehicle; however, if the motor
3 vehicle is the subject of a security agreement with a right of
4 possession in the debtor, the debtor shall be deemed the owner
5 for purposes of this section, or if the motor vehicle is leased
6 as defined in section 321.493, the lessee shall be deemed the
7 owner for purposes of this section.>
- 8 2. Page 5, line 35, by striking <321P.9> and inserting
9 <321P.10>
- 10 3. Page 6, line 6, by striking <321P.10> and inserting
11 <321P.11>
- 12 4. Page 6, line 25, by striking <321P.9> and inserting
13 <321P.10>
- 14 5. Page 7, line 8, by striking <321P.11> and inserting
15 <321P.12>
- 16 6. Page 7, line 16, by striking <321P.12> and inserting
17 <321P.13>
- 18 7. By renumbering as necessary.

WILLS of Dickinson